

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, Oct. 6, 1926.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Privileged Committee Reports.

(See Appendix.)

Committee Reports.

(See Appendix.)

Simple Resolution No. 31.

By Senator Wood by Request:

Whereas, There is held in Austin, Texas, each year the Texas State Exposition whose main feature is to set forth to the people of Texas the work being done by the State Institutions supported by Texas; and

Whereas, This Exposition also includes splendid exhibits of agricultural products, poultry, beef cattle, dairy cattle, swine, sheep, goats, and scores of other products which go to make up a prosperous State regardless of the price of cotton—which exhibits even include the finest race horse flesh that ever pounded the sod; and

Whereas, Wednesday, October 6th, is Austin Day at the Texas State Exposition and the members of the Legislature are exceedingly interested in all the above matters, and also being the guests of the business men of Austin into the Fair Grounds; therefore

Be it Resolved by the Senate that this body adjourn at 12 o'clock noon on October 6th in order that our members may have the opportunity of visiting the Texas State Exposition on this date.

Senator Bledsoe moved to lay the resolution on the table subject to call.

The motion to lay on the table prevailed.

Messages From the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following Executive messages:

Governor's Office,

Austin, Texas, Oct. 6, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Bonham, I am submitting to you for your consideration the matters set forth in the attached bill, being An Act amending Chapter 17 of the Local and Special Laws of the State of Texas passed at the first Called Session of the Thirty-seventh Legislature changing and enlarging boundaries of Sodville Independent School District in San Patricio County, Texas, etc.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Governor's Office,

Austin, Texas, Oct. 6, 1926.

To the Honorable Legislature of the State of Texas.

Gentlemen: Acting under authority reserved in the original proclamation convening you in Special Session, and as per request of Representative Frnka, I am submitting to you for your consideration the matters set forth in the attached bill being An Act to amend Section 18, Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legis-

lature, known as An Act to create a more efficient road system for Colorado County, etc.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

House Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following House bills:

H. B. No. 377.	H. B. No. 330.
H. B. No. 376.	H. B. No. 328.
H. B. No. 346.	H. B. No. 316.
H. B. No. 339.	H. B. No. 318.
H. B. No. 337.	H. B. No. 358.

Message from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following House message:

Hall of the House of Representatives,
Austin, Texas, October 6, 1926.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 292, A bill to be entitled "An Act approving, validating and adopting all leases, grants or agreements commonly known as oil, gas and sulphur leases, that have been entered into at the direction of the Governor, by the Board of Prison Commissioners of the State of Texas, as lessors or grantors, and have been approved as to form by the Attorney General and delivered to the lessees or grantees for valuable consideration, and which, are now in force and effect unless said Board of Prison Commissioners lacked legal authority to enter into the same, and which purport to lease or grant for the purpose of oil, gas and sulphur exploration and development and purposes incidental thereto, and of the real estate belonging to the Prison System and commonly known as the State Prison Farms."

H. B. No. 359, A bill to be entitled "An Act to create Road District No. 5, in Houston County, Texas.

S. B. No. 273, A bill to be entitled "An Act to amend Chapter 94, approved March 19, 1925, relating to the forfeiture and resale of public free school land, and providing for the validation of the forfeiture and resale and award, in cases where requests for revaluation were made

within the time required by law, and of applications for said land that were filed after the time allowed by law, and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act to amend Article 6954 of the Revised Civil Statutes, 1925, and as amended by Chapters 99 and 101, Regular Session of the Thirty-ninth Legislature, so as to include Bailey and Parmer counties within the provisions of said article."

H. B. No. 373, A bill to be entitled "An Act validating the action of the Lampasas County School Board in re-defining the boundaries of the Lampasas Independent School District No. 1 and adding thereto certain territory, on March 20, 1926, September 30, 1926."

S. B. No. 281, A bill to be entitled "An Act making appropriation to the Live Stock Sanitary Commission of the sum of two hundred thousand dollars or so much thereof as may be necessary out of the general fund, not otherwise appropriated, to pay such claim or claims as may be due for the destruction of hay in Brazoria, Galveston and Harris counties during the Hoof and Mouth epidemic after same have been allowed, and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act creating Fresh Water Supply District No. 7 in Dallas County.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 292.

Senator Fairchild moved to concur in the House amendments to Senate Bill No. 292.

The Senate concurred in the amendments by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

The following is a copy of the amendment:

Amend the caption of Senate Bill No. 292 by adding at end of said caption the following: "And declaring an emergency."

House Bill No. 208.

The Chair laid before the Senate on second reading.

H. B. No. 208, A bill to be entitled "An Act to create Road District No. 3, in Ellis County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 208 was read second time and passed to third reading.

On motion of Senator Russek, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 208 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Strong.

Price.

Absent—Excused.

Wirtz.

Woodward.

H. B. No. 208 was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Davis.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Murphy.	Witt.
Parnell.	Wood.
Parr.	

Absent.

Price.
Strong.

Woodward.

Absent—Excused.

Wirtz.

House Bill No. 290.

The Chair laid before the Senate on second reading.

H. B. No. 290, A bill to be entitled "An Act to create Road District No. 10, in Hopkins County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The committee report was adopted.

H. B. No. 290 was read second time and passed to third reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 290 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price.

Strong.

Absent—Excused.

Wirtz.

Woodward.

H. B. No. 290 was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price.

Strong.

Absent—Excused.

Wirtz.

Woodward.

House Bill No. 314.

The Chair laid before the Senate, on second reading,

H. B. No. 314, A bill to be entitled "An Act to create the Ennis Independent School District in Scurry County, Texas."

The committee report was adopted.

H. B. No. 314 was read second time and passed to third reading.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 314 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price.

Strong.

Absent—Excused.

Wirtz.

Woodward.

H. B. No. 314 was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price.

Strong.

Absent—Excused.

Wirtz.

Woodward.

House Bill No. 315.

The Chair laid before the Senate, on second reading,

H. B. No. 315, A bill to be entitled "An Act to create the Fluvanna Independent School District in Scurry County, Texas."

The committee report was adopted.

H. B. No. 315 was read second time and passed to third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 315 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Murphy.
Bowers.	Parnell.
Davis.	Parr.
Fairchild.	Pollard.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Russek.
Holbrook.	Smith.
Lewis.	Stuart.

Triplett.
Ward.
Westbrook.

Witt.
Wood.

Absent.

Price. Strong.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 315 was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price. Strong.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 340.

The Chair laid before the Senate, on second reading,

H. B. No. 340, A bill to be entitled "An Act to create the Ibex Independent School District in Shackelford County."

The committee report was adopted.

H. B. No. 340 was read second time and passed to third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 340 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Hardin of Kaufman
Berkeley.	Holbrook.
Bledsoe.	Lewis.
Bowers.	Miller.
Davis.	Moore.
Fairchild.	Murphy.
Floyd.	Parnell.
Hardin of Erath.	Parr.

Pollard.	Triplett.
Real.	Ward.
Reid.	Westbrook.
Russek.	Witt.
Smith.	Wood.
Stuart.	

Absent.

Price. Strong.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 340 was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Murphy.	

Absent.

Price. Strong.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 342.

The Chair laid before the Senate, on second reading,

H. B. No. 342, A bill to be entitled "An Act creating Megargel County Line Independent School District in Archer and Baylor Counties, Texas."

The committee report was adopted.

H. B. No. 342 was read second time and passed to third reading.

On motion of Senator Parnell, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 342 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Floyd.
Berkeley.	Hardin of Erath.
Bledsoe.	Hardin of Kaufman
Bowers.	Holbrook.
Davis.	Lewis.
Fairchild.	Miller.

Moore.	Smith.
Murphy.	Stuart.
Parnell.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Real.	Witt.
Reid.	Wood.
Russek.	

Absent.

Price.

Absent—Excused.

Strong.	Woodward.
Wirtz.	

H. B. No. 342 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.	Woodward.
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House Bill No. 344.

The Chair laid before the Senate, on second reading,

H. B. No. 344, A bill to be entitled "An Act creating and establishing Damon Independent School District in Brazoria County, Texas."

The committee report was adopted.

H. B. No. 344 was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 344 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Davis.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman.	Smith.
Holbrook.	Strong.
Lewis.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Murphy.	Westbrook.
Parnell.	Wirtz.
Parr.	Wood.

Absent.

Price.

Absent—Excused.

Witt.	Woodward.
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H. B. No. 344 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.	Woodward.
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House Bill No. 354.

The Chair laid before the Senate, on second reading,

H. B. No. 354, A bill to be entitled "An Act fixing the salary of the county superintendent of Brazoria County, Texas."

The committee report was adopted.

H. B. No. 354 was read second time and passed to third reading.

On motion of Senator Strong, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 354 put on third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 354 was read third time and passed finally, by the following vote:

Yeas—21.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Russek.
Davis.	Strong.
Fairchild.	Stuart.
Floyd.	Triplett.
Hardin of Kaufman	Ward.
Holbrook.	Witt.
Lewis.	Wood.
Miller.	

Absent.

Hardin of Erath.	Price.
Moore.	Reid.
Murphy.	Smith.
Parnell.	Westbrook.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 364.

The Chair laid before the Senate, on second reading,

H. B. No. 364, A bill to be entitled "An Act to create the Bethel Independent school District in Anderson County, Texas."

The committee report was adopted.

H. B. No. 364 was read second time and passed to third reading.

On motion of Senator Hardin of Kaufman, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 364 put on its third reading and

final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 364 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 365.

The Chair laid before the Senate, on second reading,

H. B. No. 365, A bill to be entitled "An Act creating and establishing Crowell Independent School District in Foard County, Texas."

The committee report was adopted.

H. B. No. 365 was read second time and passed to third reading.

On motion of Senator Smith, the

constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 365 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 365 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 371.

The Chair laid before the Senate, on second reading,

H. B. No. 371, A bill to be entitled "An Act creating a more efficient road system for Limestone County, Texas."

The committee report was adopted. H. B. No. 371 was read second time and passed to third reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 371 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 371 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 374.

The Chair laid before the Senate, on second reading,

H. B. No. 374, A bill to be entitled "An Act to create the Ranger Independent School District, in Eastland County, Texas."

The committee report was adopted.

H. B. No. 374 was read second time and passed to third reading.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 374 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Woodward. Wirtz.

H. B. No. 374 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Bill No. 379.

The Chair laid before the Senate on second reading,

H. B. No. 379, A bill to be entitled "An Act to create the Batson Independent School District in Hardin County, Texas."

The committee report was adopted.

H. B. No. 379 was read second time and passed to third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 379 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

H. B. No. 379 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

House Bill No. 380.

The Chair laid before the Senate on second reading,

H. B. No. 380, A bill to be entitled "An Act to create the Saratoga Independent School District in Hardin County, Texas."

The committee report was adopted.

H. B. No. 380 was read second time and passed to third reading.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 380 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

H. B. No. 380 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

Senate Bill No. 306.

The Chair laid before the Senate on second reading,

S. B. No. 306, A bill to be entitled "An Act creating a more efficient road system for Fisher County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Fisher County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

The committee report was adopted.

S. B. No. 306 was read second and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 306 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

S. B. No. 306 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

Senate Bill No. 309.

The Chair laid before the Senate on second reading.

S. B. No. 309, A bill to be entitled "An Act creating Roby Independent School District in Fisher County, Texas, defining its boundaries; including the original Roby Independent School District and adding territory thereto; conferring on said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; validating and continuing in force the local maintenance tax heretofore voted in a part of said district as herein created until the legal voter shall increase, diminish or abolish same; providing that all bonds heretofore issued by any former school district, or districts, included within the Roby Independent School District, as herein created, shall remain in full force and effect, and that any territory taken from any district having an outstanding bonded indebtedness shall remain and be chargeable with its pro rata part of such indebted-

ness; providing that other territory may be added; providing that this Act shall be cumulative of the General Laws governing independent school districts; and declaring an emergency."

The committee report was adopted.

S. B. No. 309 was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 309 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz.

Woodward.

S. B. No. 309 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent—Excused.

Price.

Woodward.

Wirtz.

Senate Bill No. 310.

The Chair laid before the Senate on second reading.

S. B. No. 310, A bill to be entitled "An Act validating the authorization, issuance and sale of certain road bonds of Justice Precinct No. 1, of Lamar County, Texas, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said precinct; approving and validating all orders of the commissioners' court of said county in respect to said justice precinct, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; declaring such justice precinct a political subdivision of said county under Section 52, of Article 3, of the Constitution of Texas; enacting provisions necessary and incidental to the subject and purpose of this act; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

The committee report was adopted.

S. B. No. 310 was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 310 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

S. B. No. 310 was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Bowers.
Berkeley.	Davis.
Bledsoe.	Fairchild.

Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Russek.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Stuart.
Moore.	Triplett.
Murphy.	Ward.
Parnell.	Westbrook.
Parr.	Witt.
Pollard.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Bills Read and Referred.

After their captions were read, the Chair referred the following House Bills:

H. B. No. 359, referred to Committee on Highways and Motor Traffic.

H. B. No. 336, referred to Committee on Privileges and Elections.

H. B. No. 373, referred to Committee on Educational Affairs.

Senate Bill No. 307.

Senator Holbrook asked unanimous consent to call up the following bill:

S. B. No. 307, A bill to be entitled "An Act creating and establishing Freeport Independent School District in Brazoria County, Texas, defining and describing it by metes and bounds, providing for election of trustees therefor, providing it to assume the outstanding indebtedness of Freeport Independent School District as heretofore created, vesting in it the title to all school property situated therein, providing for the government thereof as under the General Laws applicable to towns and villages incorporated for free school purposes only, providing for the extension of boundaries thereof, validating outstanding schoolhouse bonds and tax levies and assessments and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 307 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Parnell.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Murphy.	Wood.

Absent.

Price.

Absent—Excused.

Wirtz. Woodward.

House Concurrent Resolution Signed.

The Chair signed, in the presence of the Senate, after its caption had been read, H. C. R. No. 3.

Senate Bills Signed.

The Chair signed, in the presence of the Senate after their captions had been read, the following Senate bills:

S. B. No. 292.	S. B. No. 315.
S. B. No. 156.	S. B. No. 281.
S. B. No. 273.	

Adjournment.

Senator Wood moved that the Senate adjourn until 4:00 p. m.

Senator Bailey moved as a substitute that the Senate adjourn until 10:00 o'clock a. m., Thursday, and accept the invitation of the people of Austin to attend the Texas Exposition.

The Chair then called for the vote on Senator Bailey's motion to adjourn. Yeas and nays being called for, the roll was called and the motion to adjourn until 10:00 o'clock Thursday was adopted by the following vote:

Yeas—16.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Russek.
Floyd.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Parr.	Westbrook.

Nays—9.

Bledsoe.	Parnell.
Davis.	Reid.
Hardin of Erath.	Ward.
Lewis.	Wood.
Moore.	

Absent.

Miller.	Smith.
Murphy.	Witt.

Absent—Excused.

Wirtz. Woodward.

APPENDIX

Petitions and Memorials.

Fort Worth, Texas, Oct. 5, 1926.

Hon. Robert A. Stuart, care Senate Chamber, Austin, Texas.

My Dear Senator:

Every one in Texas is deploring the present low prices at which cotton is being sold and there is agitation for a "Buy a Bale and Hold It" movement and many other schemes for stabilizing the price of cotton. The Legislature is even making frantic appeals to bankers and business men throughout the State to do all they can to help the farmer get a fair price for the products of the soil.

I sometimes wonder if our people will ever awaken to some of the real problems confronting Texas in the

growing of cotton and the development of the cotton industry. Such a goodly portion of our tillable land is what might be termed primarily cotton land and must of necessity be used more or less for the growing of cotton, therefore, we are doomed, so to speak, to always be a cotton state.

If this is correct, then why do we not set about with a view to developing the industry on a sound basis so that the real profits and the greatest profits which are made from the cotton business may be kept within the State and divided among the people who produce and finance the growing of this great staple.

To begin with, Texas produces more cotton than any other State in the Union, while it actually consumes in its manufacturing industries but about 3% of what it produces, the result being that 97% of Texas cotton must be transported to other states to be manufactured and since the manufacturer must sell in competition with all sections of the country, the cotton must be bought by the manufacturers at such price as will enable them to pay freight on the raw product and freight on the finished material to the source of consumption, the result being that the Texas farmer pays the freight. This item alone will approximate $1\frac{1}{2}c$ to $2c$ per pound year in and year out. $1\frac{1}{2}c$ per pound equals \$7.50 per bale. Based upon the average crop in Texas this will aggregate from thirty to forty million dollars per year. This may be termed invisible tax which the farmers of Texas are paying because a home market has not been developed for this product. If there were no other advantages to be derived from the manufacturing within the State of Texas the cotton that is produced in Texas, then this one item alone would be worth careful consideration.

Thirty to forty million dollars per year would build a great many cotton mills throughout Texas. In ten or fifteen years' time such an expenditure would provide enough mills to consume the entire production of the State. It can well be argued that there are too many spindles in the United States now. This is true, but fully one-half of these spindles are located in the New England states and are at a great disadvantage over spindles located in Texas. Every mill operated in Texas will put a similar mill out of business in the New England states. It is not for the purpose

of putting New England mills out of business that Texas should have cotton mills, but for the purpose of building up its own industries and keeping profits which are derived from the cotton industry in the state where the cotton is grown.

There were in the Southern States in 1923, 777 plants manufacturing cotton goods, employing a total of 245,462 persons with a total payroll of 172,000,000 of dollars. Total number of spindles represented in the South by this large number of mills was 16,372,000 or 45% of the total active spindles in the United States. All of these mills representing this great investment and employing nearly a quarter of a million people consumed 4,302,000 bales of American cotton while the State of Texas alone produced last year 4,100,000 bales of cotton, or just 202,000 bales less than all of the mills in the South consumed, which only goes to show that when Texas develops the cotton spinning industry within the State, as has been done by North and South Carolina and is being done by Georgia and Alabama, we shall have an industry within the State giving employment to fully a quarter of a million people and new industries requiring more than one million H. P. which will consume over two million tons of coal per year and on the basis of 1923 census requiring nearly three quarters of a billion dollars of raw materials and be turning out finished products to the value of approximately one billion dollars a year.

It would be difficult indeed to even approximate or even estimate the advantages to be gained by the State of Texas by the development of this great industry. The farmer would be the greatest beneficiary of course, in that he would have not only a home market for his cotton, but he would have a greater home market for the diversified products of the soil increasing his annual income and at the same time making his land more valuable through the increased income and these great industries would, through the enormous payrolls they would provide, cause the construction of a great many other allied industries and the further expansion and development of cities and towns through the building of additional structures to house the increased business caused by these industries. The State would receive far greater taxes which would help to build more good roads, provide more

and better schools and in all be a direct benefit to every man, woman and child in the State through the enhancement of property values, the increased prosperity and greater opportunities for all.

If this is a fair pen picture of the situation, why should not the Legislature, instead of appealing to its citizens to buy and hold a bale of cotton, which is but a makeshift remedy at the best, undertake to submit to the people of the State a Constitutional Amendment which would exempt cotton mill manufacturing plants from taxation for a period of years so as to encourage the development of the industry, the bringing in of outside capital for the industry (since our own people are so slow in development themselves) thereby benefiting everybody in the State and hurting nobody in particular.

The industry is so small here that the question of tax, as a whole, is very nominal, while a ten or fifteen year exemption would prove a very great magnet to attract mills here that are now going elsewhere since there is a great movement from New England to the cotton growing States. We are not getting the benefit of these taxes now but we are paying an invisible tax for the need of the industries, therefore, it seems the thing we ought to do is to try to get these industries established.

This is rather a lengthy letter but it occurs to me that it contains some very pertinent facts which might well be brought to your attention at this time and it is submitted in the hope that it may be worthy of your consideration and result in a move to do something that will actually help to relieve the situation, and as I see it the Legislature could aid materially in this movement, and I am sure it will if it can be shown that it is for the best interest of all concerned.

With highest regards and best wishes, I am

Yours, very truly,

RUDY COPELAND.

Privileged Committee Reports.

Committee Room,

Austin, Texas, Oct. 5, 1926.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 314 carefully examined and compared,

and find the same correctly engrossed.

STRONG, Chairman.

Committee Room,

Austin, Texas, Oct. 5, 1926.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 316 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Oct. 5, 1926.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 315 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, Oct. 5, 1926.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 318 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Oct. 6, 1926.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 307, A bill to be entitled "An Act creating and establishing Freeport Independent School District in Brazoria County, Texas, defining and describing it by metes and bounds, providing for election of trustees therefor, providing for it to assume the outstanding indebtedness of Freeport Independent School District, as heretofore created, vesting in it the title to all school property situated therein, providing for the government thereof as under the General Laws applicable to towns and villages incorporated for free school purposes only, providing for the extension of boundaries thereof, validating outstanding schoolhouse bonds and tax levies and assessments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

WITT, Chairman.

Committee Room,
Austin, Texas, Oct. 6, 1926.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 360, A bill to be entitled "An Act to provide for and regulate the filing of statement of facts and bills of exception in civil and criminal cases concerning changes of venue, misconduct of jury and other matters and things occurring before the beginning of actual trial and after submission of the case to the jury; repealing Article 568 of the Court of Criminal Procedure of the State of Texas of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following Committee amendment, and the amendment be printed in the Journal.

Amend H. B. No. 360 by striking out in the bill and the caption thereof wherever they occur the words "Civil and."

BAILEY, Chairman.

Committee Room,
Austin, Texas, Oct. 6, 1926.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 317, A bill to be entitled "An Act to provide for summoning the general panel of petit jurors by mail in any county of this State having therein a city or cities containing a population aggregating twenty thousand (20,000) or more, as shown by the last preceding Federal census, in which county there may be now or hereafter established three or more district courts, and for making return on such summons; also declaring the effect of such summons and return, providing for payment of expenses of same, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass, and be printed in bill form or in the Journal.

BAILEY, Chairman.

By Senator Real. S. B. No. 317.

A BILL

to be entitled

An Act to provide for summoning the general panel of petit jurors by mail in any county of this State having therein a city or cities containing a population aggregating twenty thousand (20,000) or more as shown by the last preceding Federal census, in which county there may be now or hereafter established three or more district courts, and for making return on such summons; also declaring the effect of such summons and return, providing for payment of expenses of same, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in any county of this State having therein a city or cities containing a population aggregating twenty thousand (20,000) or more, as shown by the last preceding Federal census, in which county there may be now or hereafter established three or more district courts, the summoning of the general panel of petit jurors may be by mail, and if so done, shall be done in the following manner, substantially:

Sec. 2. Within not more than thirty days and not less than ten days prior to the first day of the week for which any general panel of jurors may have been drawn under the provisions of Article 2098 as modified by Article 3101, of the Revised Civil Statutes of Texas (of 1925), the district clerk shall open the list of jurors drawn for that week, and shall thereupon issue and deliver to the sheriff a writ of venire facies, directed to said sheriff and commanding him to summon the persons whose names are contained on each list to report for such jury service (in the several district and county courts of such county) before the district judge to whom shall have been assigned the duty of organizing, supervising and controlling the general panel of jurors, on the first day of said week, or such other day thereof as may be designated by the district judges, at the hour fixed for convening the court. Such writ

shall contain the names and addresses of all persons included in the list above mentioned.

Sec. 3. The sheriff, having received such writ, shall not less than seven days prior to the first day of said week, mail to each person named in said writ, at his address as therein given, a summons or notice, in accordance with and embodying the command of said writ, and signed by the sheriff officially.

Such summons shall be in the following form, substantially:

Sheriff's Office, Court House,
_____ County, _____ Texas.
To Mr. _____,

In obedience to a writ of venire facies issued from the District Court of the _____ Judicial District of Texas on the _____ day of _____ 19____ and directed to me officially, you are hereby notified and summoned to report for jury service (in the several district and county courts of _____ County) before the Hon. _____, Judge of said district court, at the court house of _____ County in _____, Texas, on Monday the _____ day of _____ 19____, at _____ o'clock a. m.

Sheriff _____ County, Texas.
By _____, Deputy.

Sec. 4. Such summons or motion shall be mailed enclosed in an envelope bearing the name, official character, and address of the sheriff, with a return mark directing the return to him of the notice or summons so enclosed if not delivered within four days from date of mailing.

Sec. 5. On the first day of the week for which such general panel of jurors may have been summoned, or such other day of such week as may have been designated by the district judges for the appearance of the jury, the sheriff, having executed such writ according to the command thereof, shall make notations, in black ink or black pencil, on said writ, indicating the persons (if any) whose notices or summons shall have been returned to him by the post-office as not delivered. And thereupon the sheriff shall make return upon such writ substantially as follows:

Sheriff's Return.

Came to hand on the _____ day of _____, 19____, and executed by

mailing to each of the persons named in this writ at his address as therein stated, a summons or notice, in accordance with and embodying the command of this writ, and signed by me officially, said summons or notice being enclosed in an envelope bearing my name, official character, and address, with a return mark directing the return to me of such summons or notice, so enclosed, if not delivered within four days from date of mailing. And up to this time none of the notices or summons so mailed have been returned to me by the post office as not delivered, except as otherwise indicated on said writ, by notations ("not delivered"), in black ink or black pencil, opposite names on said writ.

Returned this _____ day of _____ 19____.

Sheriff, _____ County, Texas,
By _____, Deputy.

Sec. 6. If subsequently other such notices or summons should be returned to the sheriff by the post office as undelivered, the sheriff shall, not later than three days before the adjournment of the term, make a supplemental return, showing what other such notices or summons (if any) may have been returned to him by the post office as not delivered—the persons whose notices or summons may have been so returned by the post office to be indicated by notations, ("not delivered") in colored ink or colored pencil, opposite names on said writ.

Such supplemental return shall be substantially as follows:

Sheriff's Supplemental Return.

Since my original return hereon, there have been returned to me by the post office, as not delivered, the notices or summons so enclosed and mailed, addressed, respectively, to the persons whose names are indicated on the within list by notations, ("not delivered") in colored ink or colored pencil.

Returned this _____ day of _____ 19____.

Sheriff, _____ County, Texas,
By _____, Deputy.

Sec. 7. Upon such return or returns on said writ by the sheriff, all persons whose names are contained on said writ, excepting those whose notices or summons appear from such returns not to have been delivered, shall be deemed prima facie to have been duly summoned as such jurors.

Sec. 8. The necessary expenses for printing, stationery and postage, for such notices or summons and the mailing of same, shall be allowed to the sheriff by the commissioners' court, and shall be paid out of the general fund of the county.

Sec. 9. The method of summoning jurors by mail provided by this act shall not preclude the summoning of jurors by personal service in such counties; provided however that the method to be followed shall be uniform; that is the summoning of jurors in any such county shall be entirely by mail as herein provided or entirely by personal service, as may be determined and ordered by the district judge of the districts embraced in any such county, and any order so made may be changed from time to time.

Sec. 10. That all laws or parts of laws in conflict with any of the provisions of this act, be and the same are hereby repealed.

Sec. 11. The importance of the summoning of jurors, the expense of personal service of such summons, and the inadequacy for that purpose of the number of deputies allowed sheriffs, create an emergency and an imperative public necessity requiring that the constitutional rule that all bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage. And it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, Oct. 7, 1926.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Moore.
Berkeley.	Murphy.
Bledsoe.	Parnell.
Bowers.	Parr.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Russek.
Holbrook.	Smith.
Lewis.	Strong.
Miller.	Stuart.

Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.
Wirtz.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Senators Excused.

Senator Holbrook was excused for today because of important business.

Privileged Committee Reports.

(See Appendix.)

Committee Reports.

(See Appendix.)

House Bill No. 360.

The Chair laid before the Senate, on second reading,

H. B. No. 360, A bill to be entitled "An Act to provide for and regulate the filing of statement of facts and bills of exception in civil and criminal cases concerning changes of venue, misconduct of jury and other matters and things occurring before the beginning of the actual trial and after submission of the case to the jury."

The committee report carrying amendment was adopted.

H. B. No. 360 was read second time and passed to third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 360 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Davis.	Smith.
Fairchild.	Strong.
Floyd.	Stuart.
Hardin of Erath.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	Woodward.

Absent.

Hardin of Kaufman. Murphy.